

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: JONATHAN BARGER

Debtor

Case No. 19-10254-JKF

(Chapter 13)

**APPELLANT'S DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE
RECORD ON APPEAL AND STATEMENT OF THE ISSUES TO BE PRESENTED**

The Appellant, Jonathan Barger, by and through his attorney, Alan B. Kane, Esquire, respectfully files this Designation of the Items to Be Included in the Record on Appeal and a Statement of Issues to be Presented as follows:

I. DESIGNATION OF THE ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

1. Schedule A/B filed on February 12, 2019 (Docket No. 23);
2. Syndcore Holdings LLC's Motion for Relief from Automatic Stay filed on May 29, 2019 (Docket No. 81);
3. Debtor's Answer In Opposition to Motion of Syndcore Holdings, LLC for Relief from the Automatic Stay filed on June 25, 2019 (Docket No. 94);
4. Supplemental Brief filed by Syndcore Holdings, LLC on July 19, 2019 (Docket No. 98);
5. Respondent's Memorandum of Law in Opposition of Syndcore Holdings, LLC for Relief from Automatic Stay to Permit Syndcore to Pursue Its Foreclosure Action on 2505 Orthodox Street, Philadelphia, Pennsylvania filed on July 21, 2019 (Docket No. 99);
6. Transcript of hearing on July 30, 2019 (Related to Docket No. 102);
7. Exhibits admitted into evidence on July 30, 2019 (Related to Docket No. 102);
8. Addendum to Appraisal of 2505 Orthodox Street, Philadelphia, PA 19137 filed on October 9, 2019 (Docket No. 109);
9. Transcript of hearing on December 12, 2019 (Related to Docket No. 117);
10. Exhibits admitted into evidence on December 12, 2019

(Related to Docket No. 117);

11. Supplemental Memorandum of Law in Support of Debtor's Answer in Opposition to Motion of Syndcore Holdings, LLC for Relief from the Automatic Stay to Permit Syndcore to Pursue its Foreclosure Action on 2505 Orthodox Street, Philadelphia, PA 19137 on March 6, 2020 (Docket No. 125);
12. Supplemental Brief in Response to Jonathan Barger's Supplemental Memorandum of Law in Support of Debtor's Answer in Opposition to Motion of Syndcore Holdings, LLC for Relief from the Automatic Stay to Permit Syndcore to Pursue its Foreclosure Action on 2505 Orthodox Street, Philadelphia, PA 19137 on March 18, 2020 (Docket No. 126);
13. Order Granting Motion for Relief from Stay for Syndcore Holdings, LLC. filed on April 8, 2020 (Docket No. 131);
14. Notice of Appeal to District Court and Statement of Election filed on April 21, 2020 Docket No. 133);

II. STATEMENT OF ISSUES PRESENTED

1. Whether the Court erred in granting the Motion for Relief from the Automatic Stay for Syndcore Holdings, LLC.?

Suggested Answer: Yes.

2. Whether the Hazardous Sites Cleanup Act, 35 P.S. §6020.101, et seq. requires environmental contamination identified in the Phase II report prepared by The Vertex Companies, Inc. regarding the property located at 2505 Orthodox Street, Philadelphia, Pennsylvania to be remediated in accordance with the standards set by the Land Recycling and Environmental Remediation Standards Act, 35 P.S. § 6026.101 seq. al.?

Suggested Answer: Yes.

3. Whether the testimony of Christopher Hall that there is no requirement that the environmental contamination identified in the Phase II report prepared by The Vertex Companies, Inc. regarding the property located at 2505 Orthodox Street, Philadelphia, Pennsylvania had to be remediated is erroneous?

Suggested Answer: Yes.

4. Whether Christopher Hall was not competent to testify regarding whether the environmental contamination

identified in the Phase II report prepared by The Vertex Companies, Inc. regarding the property located at 2505 Orthodox Street, Philadelphia, Pennsylvania had to be remediated in accordance with the standards set by the Land Recycling and Environmental Remediation Standards Act, 35 P.S. § 6026.101 seq. al.?


Suggested Answer: Yes.

5. Whether Syndcore Holdings, LLC. failed to present competent evidence of its lien and the value of the collateral securing its claim?

Suggested Answer: Yes.

Respectfully submitted,

Dated: May 5, 2020

By: 
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CERTIFICATE OF SERVICE

I, Alan B. Kane, Esquire do hereby certify that a copy of the foregoing Designation of the Items to Be Included in the Record on Appeal and a Statement of Issues to be Presented has been served on the following by Electronic Mail and/or First Class Mail this 5th day of May, 2020:

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